

EPC Fitness Three Pty Ltd  
C/- Platinum Planning Solutions  
PO Box 603  
UPPER COOMERA QLD 4209

D431/18  
HS1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 431/18/2 – APPROVAL**

**Development Consent Number:** 431/18/2

**Land to which this applies:** 77 Willoughby Road, Crows Nest  
Lot No.: 1, DP: 302454

**Applicant:** EPC Fitness Three Pty Ltd

**Proposal:** Section 4.55(2) modifications to DA 431/18/2 to relocate  
business identification signage.

Pursuant to Section 4.55 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **431/18** and registered in Council's records as Application No. **431/18/2** relating to the land described as **77 Willoughby Road, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 4 March 2017, has been determined in the following manner: -

*1. To modify the development consent (D431/18/2) and modify conditions A1 as follows:*

**Development in Accordance with Plans/documentation**

A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No.	Issue	Title	Drawn by	Received
100	A	Existing Site Plan	CORSO Interior Architecture	13 December 2018
101	A	Existing Conditions Plan	CORSO Interior Architecture	13 December 2018
102	A	Proposed Plan	CORSO Interior Architecture	13 December 2018
<b>200</b>	<b>B</b>	<b>External Elevations</b>	<b>SIGNPRO</b>	<b>3 July 2019</b>

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

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The development application has been assessed against the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013. The proposed works result does not result in major non-compliance with Council's DCP 2013.

**Reason for approval:**

The works maintain a low density, form and scale commensurate with the surrounding area. Having regard to the provisions of Section 4.15(1) of the Environmental Planning & Assessment Act 1979, the proposed development will not have any unreasonable amenity or environmental impacts. The application is considered to be satisfactory and therefore can be approved.

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**How community views were taken into account:**

The development application, due to the minor nature of the proposal, was not required to be notified, nor advertised pursuant to Part A, Section 4 of the North Sydney Development Control Plan 2013. The development is considered not to have a material impact on surrounding buildings. The public interest will be served through the assessment of the application against the applicable controls.

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The conditions attached to the original consent for Development Application No. 431/18 by endorsed date of 4 March 2017 still apply.

**ADVISINGS**

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Hugh Shouldice**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 8.7 of the Environmental Planning and Assessment Act 1979 (as amended), you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing, subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing and it can give rise to considerable cost and time savings for all parties involved.
- (b) Pursuant to Section 8.2, an applicant is able to request Council to review its determination. An application for a review under Section 8.2 of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.
- (c) Prior to commencing any building, subdivision or associated constructions works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
  - (i) A Construction Certificate is to be obtained in accordance with Section 6.3 of the Act.

- (ii) A Principal Certifier is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6 of the Act.
- (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 6.6(2)(a) of the Act.
- (d) You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a further modification under Section 4.55 of the Environmental Planning & Assessment Act, 1979 (as amended).

Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.

**Endorsed for and on behalf of North Sydney Council**

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DATE

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Signature on behalf of consent authority  
DAVID HOY  
**TEAM LEADER ASSESSMENTS**